IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO: 23800 of 2004

Between:

1. Azeez Jeelani W/o Late Gulam Jeelani,
   R/o 17-3-194/39, Madeenanagar, Yakutpura 'B' Block, Hyderabad.
2. Ghulam Mohd. Afsar S/o late Gulam Mohiuddin,
   H. No. 19-2-610/A/3m Fathedarwaza, Hyderabad.
3. Farooq Ahmed S/o Gulam Mohammed,
   R/o 17-3-178/87, Madeenanagar, Yakutpura, Hyderabad.

... PETITIONERS

AND

1. The Commissioner of Police, Cyberabad, Lakdikapul. Saifabad Hyderabad.
2. The Station House Officer, Alwal Police Station, Alwal, Malkajgiri Mandal, Ranga Reddy District.
3. The Joint Collector, Ranga Reddy District Collectorate Complex, Lakdikapul, Hyderabad.
4. The President Nava Bharat Co-operative Housing Society, Plot No. 621, Vivekananda Nagar, Kukatpally, Hyderabad
5. The Principal and Correspondent, St. Patric High School, Secunderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly in the nature of writ of Mandamus declaring the action of the 2nd respondent being the custodian of law and order in not implementing the Status Quo orders granted by the Joint Collector in Case No. D5/1826/2004 dated 13-9-2004 as modified dated 8-10-2004 having received the report on 24-9-2004, and 25-9-2004 as being illegal arbitrary capricious, malafide.

Counsel for the Petitioner: MR. SYED SHAREEF AHMED

Counsel for the Respondent Nos.1 to 3: GP FOR HOME

Counsel for the Respondent Nos.4 & 5:

The Court at the stage of admission made the following:

ORDER: -

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Petitioners claim ownership and possession of property in an extent of Ac.121.07 guntas in Sy.Nos.13,547 to 552, 559, 563 to 565, 567 to 570, 572 to 574, 576 to 580 and 585 in Alwal village, Ranga Reddy District. They allege that the respondents 4 and 5 in collusion with the revenue officials got mutated their names in the revenue records in respect of the said property and that against the orders of the mutation passed by the Mandal Revenue Officer concerned, the petitioners preferred a revision before the Joint Collector, Ranga Reddy District and an order dated 13-09-2004 was passed in the said revision bearing Case No.D5/1826/2004 suspending the orders of the Mandal Revenue Officer dated 18-01-1996 and directed both the parties not to alienate, change the nature of the land and to create third party interest till further orders. There were some clerical errors in the order of the Joint Collector, which were corrected by a corrigendum order dated 08-10-2004. Despite the order of the third respondent, Joint Collector, the fourth and fifth respondents are interfering with the petitioners' ownership and possession over the property, is the complaint in this writ petition and the petitioners complain that the respondents 1 and 2, police officials have not extended the aid of the coercive force of the State to implement the orders of the third respondent.

2. The petitioners have available appropriate civil remedies before the jurisdictional Civil Courts by way of injunctive relief for protection of their rights to ownership and possession of the aforesaid lands. In the circumstances, this Court is not inclined to exercise its jurisdiction to issue a writ of Mandamus.

3. The writ petition is dismissed. The petitioners are at liberty to avail appropriate remedies before the jurisdictional Civil Court.

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GODA RAGHURAM, J

Dt.06-06-2005

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Copy to:

1. The Commissioner of Police, Cyberabad, Lakdikapul. Saifabad Hyderabad.
2. The Station House Officer, Alwal Police Station, Alwal, Malkajgiri Mandal, Ranga Reddy District.
3. The Joint Collector, Ranga Reddy District Collectorate Complex, Lakdikapul, Hyderabad.
4. The President Nava Bharat Co-operative Housing Society, Plot No. 621, Vivekananda Nagar, Kukatpally, Hyderabad
5. The Principal and Correspondent, St. Patric High School, Secunderabad

6. Two CCs. to the Government Pleader for Home, High Court Buildings, Hyderabad. (OUT)

7. Two CD copies.

Form-NIC-OGS/WP{*TRT****}***